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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,324	12/23/2003	Eric Apps	012244-369099	5560
27155 7590 08/19/2008 McCarthy Tetrault LLP Box 48 Suite #4700 Toronto Dominion Bank Tower TORONTO, ON M5K 1E6 CANADA			EXAMINER CASANOVA, JORGE A	
			ART UNIT 2169	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/743,324

**Applicant(s)**

APPS ET AL.

**Examiner**

JORGE A. CASANOVA

**Art Unit**

2169

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-23, 25-28, 30-34 and 36-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-23, 25-28, 30-34 and 36-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 and 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Replacement Drawings

### **DETAILED ACTION**

1. Claims [17-23, 25-28, 30-34 and 36-48] are presented for examination.
2. This Office action is **Non-Final**.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: the word "anther" should be --another--, see ¶0021 and 0023, lines 23 and 10, respectively.  
Appropriate correction is required.

#### ***Drawings***

4. The drawings were received on 05/17/2004 and 06/28/2004. These drawings are accepted. With respect to the drawing submitted on 06/28/2004, the Examiner notes that both this drawing and the other submitted on 05/17/2004 [i.e., Fig. 8] is acceptable as the Applicant has shown the features within each blocks in the other Figures related to Fig. 8.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims [17, 19, 22, 23 and 30] are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. With respect to claim 17, regarding "said customer attributes", there is insufficient antecedent basis for this limitation in the claim. Claims [19, 22, 23 and 30] being

dependents of claims 17 similarly recite the same subject matter, thus are also rejected for the same reasons set forth above.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims [17-23, 25-28, 30-34, 36, 37 and 39-48] are rejected under 35

U.S.C. 102(e) as being anticipated by Bowman-Amuah (US 6,529,909 B1) hereinafter "Bowman-Amuah".

10. With respect to claim 17, the Bowman-Amuah reference discloses a data mining system for delivering presentations associated with data mining models [see col. 2, lines 20-22, regarding a system, method and article of manufacture are provided for translating an object attribute to and from a database value], said data mining system comprising:

a repository to store said data mining models, customer attributes, and presentation definitions [see Fig. 11; in the broad reasonable interpretation, the Examiner interprets said information system to include but not limited to said data mining models, customer attributes and presentation definitions, etc...];

means to edit said data mining models, said presentation definitions, and said customer attributes [see col. 28, lines 34-37, regarding it is imperative that companies in the current market place be able to quickly modify their business processes in order to address changes in the industry];

means to generate a presentation to deliver to a customer system [see Fig. 29, regarding initiating a report request from a client and distributing it among printer, screen and archive];

wherein said means to generate includes an analytic decision engine system including model presentation services and scoring services modules [see Fig. 95; in the broad reasonable interpretation, the Examiner interprets the process as said analytic decision engine]; and,

means to receive inputs from said customer system and to deliver said presentation to said customer system [see Fig. 95, described *Supra*; in the broad

reasonable interpretation, the Examiner interprets a client as requesting a said presentation, wherein the server prepares and transmit the presentation to the client];

wherein said inputs include a customer identification [see Fig. 120, regarding a client finds and instantiates a Customer Object from a customer component] and a presentation definition identification [see Fig. 123, regarding forwarding another portion of the requests to the server for further handling purposes; in the broad reasonable interpretation, the Examiner interprets the above as said presentation definition identification so that the system is enabled to effect changes in the presentation interface (12310)];

wherein said means to generate selects a presentation definition using said presentation definition identification [see col. 249, lines 29-35, regarding often these user interfaces will be changed over time to fit user's changing needs; While the tasks completed by the user may not change, the interface to complete those tasks will need to. Windows users will want to move to the Web; Web users will want to move to handheld devices; the presentation code should be able to be changed without causing a rewrite of the business logic on the client; in the broad reasonable interpretation, the Examiner interprets the above as selecting said presentation definition when the user switches platforms] and selects a customer attribute using said customer identification [see Fig. 120, described *Supra*];

wherein said presentation definition includes a reference to a data mining model and one or more rules [see Fig. 11, described *Supra*; also, see Fig. 125 and col. 249, lines 55-58, regarding while any user interface maintains a reference to the Activity

12500 it provides an interface 12502 for, the Activity is unaware of what (if any) interfaces exist on it; in the broad reasonable interpretation, the Examiner interprets the reference to the Activity as said data mining model; also, see col. 250, lines 4-5, regarding each interface can decide how to handle the event; in the broad reasonable interpretation, the Examiner interprets that how the event is handles is based on one or more said rules]; and,

wherein said means to generate applies said data mining model and said one or more rules to said customer attribute to produce an outcome for display in said presentation according to a format included in said presentation definition [see Fig. 123, regarding forwarding another portion of the requests to the server for further handling purposes; in the broad reasonable interpretation, the Examiner further interprets the above as applying said data mining models and one or more rules so that the system is enabled to effect changes in the presentation interface (12310)].

11. With respect to claims [18-23, 25-28, 30-34 and 36], the limitations have been shown in the discussion of claim 17, as referenced above. Furthermore, the Examiner maintains that the features are inherent to the system of Bowman-Amuah.

12. With respect to claims [37 and 39-48], they are rejected on grounds corresponding to above rejected claims [17-23, 25-28, 30-34 and 36], because claims [37 and 39-48] are substantially equivalent to claims [17-23, 25-28, 30-34 and 36]. Furthermore, the Examiner maintains that the features are inherent to the system of Bowman-Amuah.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim [38] is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah in view of Thearling (US 6,240,411 B1, cited in the 892 dated April 19<sup>th</sup>, 2007) hereinafter "Thearling".

15. With respect to claim 38, the Bowman-Amuah reference discloses the method of claim 37, as referenced above. Bowman-Amuah is silent of the data mining models are one or more of a logistic regression, a decision tree, a neural network, a Bayesian network, a linear regression, a cluster model, a K-Means cluster model, an expectation maximizing cluster model, and an association rule. However, at the time the invention was made the data mining models being one or more of a logistic regression, a decision tree, a neural network, a Bayesian network, a linear regression, a cluster model, a K-Means cluster model, an expectation maximizing cluster model, and an association rule was a known technique as evidenced by Thearling [see col. 8, lines 19-23, regarding a program which permits development of models for scoring a database based on a variety of paradigms, such as a neural-network paradigm, a statistical paradigm, or decision tree]. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use that known technique to yield predictable results, since the use of a known



technique provides the rationale to arrive at a conclusion of obviousness. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

***Prior Art Made of Record***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ❖ Chen discloses a system for visualizing information in a data warehousing environment.

***Conclusions/Points of Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE A. CASANOVA whose telephone number is (571) 270-3563. The examiner can normally be reached on Mon. - Fri., 7:15 a.m. - 5:45 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE A. CASANOVA/  
Examiner, Art Unit 2169  
08/13/2008

/Etienne P LeRoux/  
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